## REMARKS

In the Office Action dated October 18, 2005, claims 1-5 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,535,518 (Hu); claims 7-17, 19, and 22-31 were rejected under § 103 over Hu in view of U.S. Patent No. 6,757,753 (DeKoning); and claim 28 was rejected under § 103 over Hu, DeKoning, and U.S. Patent No. 6,754,718 (Dobberpuhl).

### A. Claim 1

Claim 1 was rejected as being anticipated by Hu, where the Office Action identified the following elements as being the first and second router nodes recited in claim 1: items 130 and 110 in Fig. 8, and items 220 and 250 in Fig. 9. Item 110 of Fig. 8 in Hu is either a storage device or a storage area network (SAN). Item 130 in Fig. 8 of Hu is a network. Item 220 in Fig. 9 of Hu is a network interface that is part of a three-way network server bypass device for interfacing the network 130. Storage or SAN interface 250 is also part of the bypass device for interfacing the storage or SAN 110. In the "Response to Arguments" section on page 12 of the Office Action, the Office Action further identified the network interface 220 and the storage or SAN interface 250 of the bypass device of Hu as being the nodes that "bridge the SAN network through the SAN interface 250 to the network through the network interface 220."

The network interface 220 and the storage or SAN interface 250 are network interfaces within a three-way network server bypass device that selectively routes data either (1) between the network 130 and a storage or SAN 110, or (2) between the network 130 and the server 120 (see Fig. 8). Such components would not be considered router nodes by a person of ordinary skill in the art. To further distinguish claim 1 over Hu, the subject matter of former dependent claim 4 (now cancelled) has been inserted into claim 1. Note that claim 4 was also rejected as being anticipated by Hu. The subject matter from former claim 4 recites that the router nodes are connected to the plurality of cluster nodes via the SAN according to the SAN-based protocol. Clearly, the network interface 220 of the bypass device of Hu, which connects with the network 130, is *not* connected to cluster nodes via the SAN according to the SAN-based protocol. Only the SAN interface 250 of the bypass device of Hu is connected to the SAN 110.

Thus, Hu does not disclose *first and second* router nodes that are connected to the plurality of cluster nodes via the SAN according to the SAN-based protocol. Claim 1 is therefore not anticipated by Hu.

**B. Claim 13**

Independent claim 13 was rejected as being obvious over Hu and DeKoning. It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 13 over Hu and DeKoning.

A first defect in the obviousness rejection is that the Office Action did not provide any explanation regarding how DeKoning contributes to the subject matter of claim 13. The Office Action cited only to Hu in the purported rejection of claim 13 over Hu and DeKoning. *See* 10/18/2005 Office Action at 6. Due to the failure to explain how DeKoning is combined with Hu to render claim 13 obvious, the obviousness rejection is defective for at least this reason.

Moreover, the Office Action incorrectly identifies a server of Hu as being the cluster node that comprises a management node for setting routing policies on the router node, as recited in claim 13. The Office Action stated that "the server [of Hu] manages, sets the routing tables and acts as supervisor ...," citing to Figs. 1 and 9 of Hu and column 7, lines 1-55, and column 9, lines 56-63, of Hu. 10/18/2005 Office Action at 6. As depicted in Fig. 8 of Hu, server 120 is connected to the three-way network server bypass device, not to the SAN 110. The server 120 of Hu is connected to the three-way network server bypass device through a server interface 240 in the bypass device (see Fig. 9, element 240). In a specific example, the server interface of Hu is a PCI interface (see element 340 in Fig. 10 of Hu). Thus, the server identified by the Office Action cannot be a cluster node that is connected via a SAN according to a SAN-based protocol, as recited in claim 13. Thus, the server of Hu cannot constitute the cluster node that comprises a management node for setting routing policies on a router node.

Therefore, the hypothetical combination of Hu and DeKoning does not teach or suggest all elements of the claimed invention.

**C. Claim 17**

Independent claim 17 was rejected as being obvious over Hu and DeKoning. It is respectfully submitted that a *prima facie* case of obviousness has not been established with

respect to claim 17. A first defect is that, although the Office Action cited to various passages of Hu and DeKoning as disclosing elements in claim 17 (10/18/2005 Office Action at 7-8), the Office Action failed to explain why a person of ordinary skill in the art would have been motivated to combine the teachings of Hu and DeKoning to achieve the invention of claim 17. Since the Office Action failed to supply the rationale regarding the suggestion to combine the teachings of Hu and DeKoning, the *prima facie* case of obviousness is defective for at least this reason.

Moreover, neither Hu nor DeKoning teaches or suggests accessing information that maps service types to respective SAN cluster nodes, and based on a service type specified by a received request and based on accessing the information, selecting one of the plural SAN cluster nodes. The Office Action incorrectly identified various passages of Hu as disclosing these elements of claim 17. Specifically, the Office Action identified column 5, line 26-column 6, line 58; column 10, lines 59-65; Fig. 10; and column 8, line 26-column 9, line 24, as disclosing these features of claim 17. The cited passage in columns 5 and 6 of Hu refers to routing traffic to the SAN or to the server based on the type of traffic. In other words, the selection being made by the bypass device of Hu is to route traffic to the SAN or to the server, based on the traffic type. This does not teach or suggest accessing information that maps service types to respective SAN *cluster nodes*. There is absolutely no suggestion that the traffic type determined in the passages at columns 5 and 6 of Hu are mapped to respective nodes of the SAN – Hu merely teaches that the traffic can be selectively routed to the server or to the SAN based on the traffic type. The additional cited passages in columns 8, 9 and 10 of Hu merely build upon the above teaching of Hu. Due to the defective application of Hu to elements of claim 17, it is respectfully submitted that the hypothetical combination of Hu and DeKoning clearly does not teach or suggest all elements of claim 17. Therefore, a *prima facie* case of obviousness has not been established for this additional reason.

**D. Claims 22 and 31**

Independent claims 22 and 31 are allowable over Hu and DeKoning for at least similar reasons as for claim 17.

**E. Dependent Claims**

Dependent claims are allowable for at least the same reasons as corresponding independent claims. Moreover, in view of the allowability of claim 1 over Hu, it is respectfully submitted that the obviousness rejections of dependent claims 7-12 have been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304386-1).

Respectfully submitted,

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